IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 6013 of 2007
Date of decision : November 22, 2007

Raghbir Singh

....Petitioner

versus

Subhash

....Respondent

Coram: Hon'ble Mr. Justice Pritam Pal

Present : Mr. Raman Sharma, Advocate for the petitioner

Pritam Pal,J. (Oral)

Petitioner has brought this revision petition under Article 227 of the Constitution of India for setting aside impugned order dated 6.10.2007 passed by Civil Judge (Junior Division), Chandigarh, whereby evidence of the petitioner was closed by order.

Learned counsel for the petitioner contends that here in the instant case, inspite of giving permission for depositing the diet money and process fee for the official witnesses, whose expenses were ultimately deposited by the petitioner, his evidence has been closed by the trial court. Petitioner-plaintiff in this case has already been examined as his own witness. Learned counsel further contends that the plaintiff has not to examine any other witness except the official witnesses. A perusal of the file shows that warrants to secure the presence of the official witnesses were also ordered to be issued but the Ahlmad of the Court failed to issue the same.

In the given facts and circumstances, I feel that no notice is required to be served upon the respondent and as such, this petition is disposed of with a direction that the trial court shall give reasonable opportunity to the petitioner for examining the aforesaid official witnesses whose necessary expenses had already been deposited. In the given circumstances, it is the duty of the court to ensure the presence of the official witnesses for getting them examined by the plaintiff.

(Pritam Pal)
Judge

November 22, 2007
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